

Claims 25-33 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, ¶ 2.

An Offer to Surrender the Original Patent is required under 37 C.F.R. § 1.178

Applicant is requested to provide copies of the foreign references and other prior art inadvertently removed from the patent application.

An abstract of the disclosure is required.

II. Summary of the Response to the Office Action

Claim 24 has been amended in accordance with the agreement reached during the Examiner's interview of May 26, 2000. Applicant has also amended claim 41. Accordingly, claims 1-41 remain for consideration.

Applicant encloses herewith copies of the foreign references and other prior art, an abstract of the disclosure and an Offer to Surrender the Original Patent.

III. Offer To Surrender the Original Patent

Applicant encloses herewith the Offer to Surrender the Original Patent under 37 C.F.R. § 1.178, executed by the Assignee and accompanied by a copy of the certificate under 37 C.F.R. § 3.73(b).

IV. Interview Summary

The undersigned wishes to thank the Examiner for the courtesies extended during the Examiner's Interview of May 26, 2000. While the remarks below address the arguments discussed at the interview, a separate summary of the interview is not provided per the indication on the Interview Summary Sheet.

V. The Rejection under 35 U.S.C. § 112

Claims 24-40 stand rejected as being indefinite for failure to particularly point and distinctly claim the subject matter which Applicant regards as the invention. The Office Action states that it is unclear how the panel “extends outwardly and upwardly from said bottom thereof” in claim 24. In accordance with the agreement reached during the Examiner’s Interview, Applicant has amended claim 24 by replacing “extends outwardly and upwardly from said bottom thereof” with -- extends at an obtuse angle with respect to the vertical --. Applicant believes that amended claim 24 and claims 25-40, dependent therefrom, comply with the requirements under 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection under 35 U.S.C. § 112, ¶ 2, for claims 24-40 is requested. While claim 41 was not rejected under 35 U.S.C. § 112, ¶ 2, it has been amended similarly to ensure compliance with § 112, ¶ 2.

VI. The Rejection under 35 U.S.C. § 103(a)

Claims 24, 34 and 36-40 stand rejected over *Ritter* in combination with *Berrenberg*. *Ritter* does not teach or suggest, either alone or in combination with *Berrenberg*, the building component of claim 24.

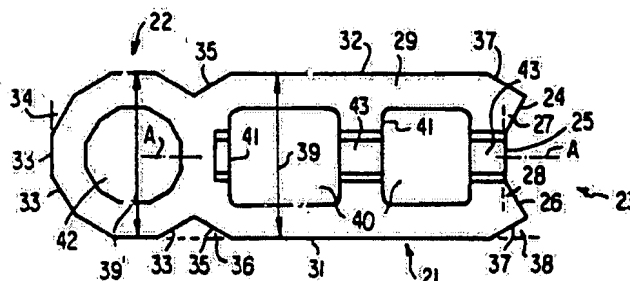


Fig. 3 of *Ritter*

Ritter discloses a building block system for the creation of walls without mortar (Fig. 3 of *Ritter*, showing a top-view of a building block, is reproduced at right). A primary block 20 includes vertical sides 31, 32, transverse webs 41 extending therebetween and a bulbous portion 22. Assuming, *arguendo* that primary block 20 could be used as formwork for receiving pourable building material, despite the fact that such a use would be contrary to the explicit teaching in this reference (*see e.g.*, lines 9-10, col. 1, which states that “[i]n . . . building block systems of this type, the elements are put

together without mortar”), block 20 would nevertheless not be adapted for receiving pourable building material if laid on its side, as suggested during the May 26, 2000 interview.

Ritter and all of the remaining prior art of record fail to teach or suggest the claimed invention, as recited in claim 24. Claims 34 and 36-40, dependent from claim 24, recite additional features of Applicant’s invention that further distinguish over the prior art.

In view of the above, Applicant respectfully requests removal of the rejection of claims 24, 34 and 36-40 under 35 U.S.C. § 103(a). Allowance of claims 24, 34 and 36-40 is earnestly solicited.

VII. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims. The examiner is invited to contact the undersigned at (202) 467-7772 if there remains any outstanding matters which need to be addressed before a notice of allowance can issue.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTION PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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Date: June 19, 2000

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